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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/282,615	03/31/1999	JEFFREY RANDELL DEAN	AT9-98-260	8851

7590

12/09/2002

INTERNATIONAL BUSINESS MACHINES  
CORPORATION  
INTERNAL ZIP 4054  
11400 BURNET ROAD  
AUSTIN, TX 78758

EXAMINER

THEIN, MARIA TERESA P. O.

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 12/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/282,615

Applicant(s)

DEAN ET AL.

Examiner

Marissa Thein

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

It appears applicant did not received PTO-948 form which will be included in the office action. Formal drawings are required in response to this Office Action.

### ***Response to Amendment***

Examiner rejected claims 1-18 in a First Office Action dated January 9, 2002. In an amendment received on April 10, 2002, applicant amended claims 1, 7, and 13.

### ***Specification***

Applicant's amendment to page 3, line 17 of the specification where the phrase "involvement in the internet" is replaced with "involvement over the internet", is sufficient to overcome the specification objection set forth in the previous Office Action.

Applicant's amendment to page 4, lines 27 and 30 of the specification where the word "distributer" is replaced with "distributor", is sufficient to overcome the specification objection set forth in the previous Office Action.

### ***Claim Objections***

Applicant's amendment to claim 1, line 27 where the phrase "system needs solutions" is replaced with "system needs or system solutions", is sufficient to overcome the claim objection set forth in the previous Office Action.

Applicant's amendment to claim 13, line 1 where the phrase "A computer program having program code included" is replaced with "A computer program included", is sufficient to overcome the claim objection set forth in the previous Office Action.

Applicant's amendment to claim 13, line 29 where the phrase "system needs solutions" is replaced with "system needs or system solutions", is sufficient to overcome the claim objection set forth in the previous Office Action.

***Response to Arguments***

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.**

**Patent No. 6,167,383 to Henson.** Henson discloses a user interactive display computer system and method and a computer program comprising: means for prompting each of a plurality of the system purchasers to make a sequence of interactive data entries; means for applying a set of purchaser business rules to the data entries; means for allocating the computer components to the computer system; means for tracking the quantities; means for applying a set of seller business rules to the tracked quantities; means for offering to selected one of the purchasers modifications in the quantities of selected ones of the allocated components; means for

enabling the seller to offer to the purchasers financial incentives for accepting the modifications; means for providing a set of business rules of reconciling the purchasers' system needs with the optimized quantities; means for automatically offering the purchasers financial incentives based upon the rules for reconciling; means for dynamically modifying the set of seller business rules; means for dynamically modifying the set of business rules for reconciling; wherein the computer systems being configured are network systems. (See at least abstract, summary, col. 4, line 36 – col. 5, line 64; col. 6, lines 5-43)

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,515,524 to Lynch et al. discloses a constraint-based configuring system which is based on component or resource requests, or input in the form of need.

U.S. Patent No. 6,192,470 to Kelley et al. discloses a computer configuration device which provides price/performance normalization in determining an optimal computer configuration depending upon the user's specific application.

U.S. Patent No. 6,446,101 to Dean et al. discloses a process and program for the configuration of computer systems which is provided by a distributor of computer components.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 703-305-5246. The examiner can normally be reached on Monday-Friday 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

mtot  
December 2, 2002



J. KEVIN SMITH  
PRIMARY EXAMINER